

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking to implement the provisions of Public Utilities Code § 761.3 enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.

Rulemaking 02-11-039
(Filed November 21, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING ASIDE SUBMISSION FOR COMMENT PERIOD
FOLLOWED BY RESUBMISSION**

Summary

Submission is set aside for further comment on a common logbook format for thermal powerplants and modification of Ordering Paragraph (OP) 4 of Decision (D.) 04-05-017. The proceeding is resubmitted at the end of the comment cycle.

Background

In May 2004, the Commission decided not to adopt a common logbook format for thermal powerplants, but determined that it wanted to give further consideration to the idea one year later. (D.04-05-017, *mimeo.*, pp. 28-31 and OP 4.) The Commission expected this proceeding to be closed by May 2005, but said that “an application by a respondent is an efficient procedural vehicle for further consideration of this matter after R.02-11-039 is closed.” (*Id.*, p. 30, footnote 26.)

This proceeding was submitted for Commission decision on May 2, 2005. (See Daily Calendars beginning May 4, 2005, and running for about two weeks.) The proceeding was submitted after a final comment period had run (i.e., on remaining issues and possible technical modifications to General Order 167), and a Prehearing Conference had been held on April 12, 2005. (See Ruling dated

March 17, 2005.) No motions for evidentiary hearing were pending on May 2, 2005. It appeared that all matters were before the Commission and the record could be closed.

On May 5, 2005, the Western Power Trading Forum (WPTF) served on the Commission, and on May 10, 2005 served on the service list, the following document: "Report on Behalf of Certain Generation Owners in California, Regarding the CPUC Common Format for Thermal Power Plant Logbooks." This report addresses common logbook format issues for the Commission's further consideration. No application has been filed.

Discussion

There is no need to require a new application since this proceeding is not closed. Submission should be set aside, however, and parties given an opportunity to file comments and reply comments on the report submitted by WPTF. A copy of WPTF's transmittal letter and report are attached. Absent a ruling to the contrary, the proceeding should be resubmitted on the date reply comments are due.

The subsequent draft decision and Commission decision on remaining issues may then address the common logbook format issue. They may also modify OP 4 of D.04-05-017 to remove the requirement that respondents file an application, but require service of a report (which was accomplished by WPTF on May 5, 2005).¹ Specifically, the second sentence of OP 4 might be changed from:

¹ A proposal to modify OP 4 of D.04-05-017 was filed and served, and is pending. (See Comments of the Indicated Generating Asset Owners dated April 1, p. 3.) This proposal was not styled as a petition for modification, but is effectively such a petition and may be treated by the Commission as one.

“Within 12 months of the date this decision is mailed, respondents shall file an application which contains...”

To:

“Within 12 months of the date this decision is mailed, respondents shall serve a report which contains...”

IT IS RULED that submission is set aside. Comments and reply comments may be filed on the “Report on Behalf of Certain Generation Owners in California, Regarding the CPUC Common Format for Thermal Power Plant Logbooks.” (Copy attached.) Comments and reply comments may also be filed on whether or not to modify Ordering Paragraph 4 of Decision 04-05-017 to remove the requirement that respondents file an application, but to require service of a report (which was accomplished with the one served by Western Power Trading Forum on May 5, 2005). Comments shall be filed and served within 10 days of today, and reply comments within five days of the date comments are due. This proceeding shall be resubmitted for decision on the day reply comments are due.

Dated May 12, 2005, at San Francisco, California.

/s/ BURTON W. MATTSON

Burton W. Mattson
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Aside Submission for Comment Period Followed by Resubmission on all parties of record in this proceeding or their attorneys of record.

Dated May 12, 2005, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

[Mattson Attachment to Ruling in R0211039](#)